

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

BAD RIVER BAND OF THE LAKE  
SUPERIOR TRIBE OF CHIPPEWA INDIANS  
OF THE BAD RIVER RESERVATION

*Plaintiff,*

v.

ENBRIDGE ENERGY COMPANY, INC., and  
ENBRIDGE ENERGY, LP

*Defendants.*

Case No. 3:19-cv-00602

Judge William M. Conley  
Magistrate Judge Stephen Crocker

---

ENBRIDGE ENERGY, LP

*Counter-Plaintiff,*

v.

BAD RIVER BAND OF THE LAKE  
SUPERIOR TRIBE OF CHIPPEWA INDIANS  
OF THE BAD RIVER RESERVATION and  
NAOMI TILLISON, in her official capacity

*Counter-Defendants.*

**DECLARATION OF CENOVUS ENERGY INC. IN SUPPORT OF ENBRIDGE'S  
OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION**

I, Keith Chiasson, as Executive Vice-President, Downstream of Cenovus Energy Inc. (“Cenovus”), upon information and belief or through personal knowledge make the following declaration for and on behalf of Cenovus and not in a personal capacity, in support of Enbridge Energy, Limited Partnership's (“Enbridge”) opposition to Plaintiff’s motion for preliminary injunction, subject to the condition that Enbridge, as a reasonable and prudent operator, has inspected the area in question and determined the pipeline remains safe for continued operation:

1. My business address is 225 6 Avenue SW, Calgary, Alberta, T2P 0M5, Canada. My current position is Executive Vice-President, Downstream at Cenovus.

2. Cenovus is an integrated oil company with producing, refining, and midstream assets in Canada and the United States.

3. Cenovus’ indirect subsidiary owns and operates the Cenovus Toledo refinery, located in Oregon, Ohio, which relies on Line 5 to provide crude oil supply for processing into refined products such as diesel, gasoline, and jet fuel.

4. As a result of any closure of Line 5, the consequences to affected refiners in the region would be significant. While there is some degree of storage at Toledo and other refineries, available crude oil in storage is finite and would provide only short-term supply. Ultimately, sustained shutdown of Line 5 is expected to require our Toledo refinery, and likely other refiners in the region that rely on Line 5, to significantly reduce operations based on lack of feedstock. This may result in reduced supply in the region, which will impact public and industrial consumers through the increased cost of gasoline, diesel, jet fuel and petrochemicals.

5. Cenovus is not aware of any existing cost-efficient transportation alternatives that could readily supplant all Line 5 volumes transported to the Toledo area in the face of a Line 5 closure.

I declare under penalty of perjury that the foregoing is true and accurate.

Executed on this \_15\_ day of May, 2023.



---